

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

GREGG SCHELLHAMMER

Plaintiff,

v.

NATIONWIDE PROPERTY AND CASUALTY
INSURANCE COMPANY

Defendant.

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CIVIL ACTION NO. 4:15-cv-336

AGREED STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiff Gregg Schellhammer ("Plaintiff") and Defendant Nationwide Property and Casualty Insurance Company ("Defendant") hereby file this Agreed Stipulation of Dismissal Without Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

1. Plaintiff filed suit against Defendant related to an insurance claim for property damage allegedly arising out of a break-in and theft that occurred on or about June 7, 2014.

2. Plaintiff has filed a separate, related lawsuit in Texas state court in which Plaintiff has agreed to stipulate that the amount in controversy does not exceed the minimum for federal diversity jurisdiction. Defendant is agreed that at this time the parties' dispute in this case may be effectively addressed in the related action. The caption of the separate action is Cause No. 2015-003194-1, *Gregg Schellhammer v. Nationwide Property and Casualty Insurance Company and Jacque Bramum Pirle Insurance Agency, L.P.*, in the County Court at Law No. 1, Tarrant County, Texas.

3. Plaintiff moves to dismiss the entirety of this lawsuit without prejudice to refiling. Defendant agrees to the dismissal.

4. This case is not a class action, and a receiver has not been appointed.
5. This dismissal is without prejudice. The parties will bear their own costs of suit.

Respectfully submitted,



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**ATTORNEY FOR PLAINTIFF
GREGG SCHELLHAMMER**

/s/ Patrick M. Kemp

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**ATTORNEY FOR DEFENDANT,
NATIONWIDE PROPERTY AND
CASUALTY INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF on this the 17th of July, 2015 to:

Mike K. Russell
1008 West Pioneer Parkway
Arlington, Texas 76013
mikekrussell@hotmail.com

/s/ Patrick M. Kemp

Patrick M. Kemp